THE HONOURABLE SRI JUSTICE V.ESWARAIAH

WRIT PETITION No :2856 of 2007

DATED:23-02-2007

BETWEEN:

K.Babu.

..... PETITIONER

AND

The Station House Officer,
Patamata police station,
Autonagar,
Vijayawada & another.

.....RESPONDENTS

ORDER:

Heard the learned counsel for the petitioner as well as the learned Government Pleader for Home appearing for the 1st respondent.

2. Petitioner seeks a writ of mandamus declaring the action of the 1st respondent at the behest of the 2nd respondent in trying to dispossess the petitioner from the residential flat bearing No.138, 4th floor, situated in J.D.Towers, J.D.Nagar, near Autonagar Gate, Vijayawada, as illegal, and arbitrary.

3. It is stated that the 2nd respondent is the father of the petitioner and at the instance of the 2nd respondent the police are illegally interfering with the civil disputes.

4. Learned counsel appearing for the 1st respondent submits that the petitioner was never called to the police station and his civil rights were never interfered with and in fact, the 2nd respondent lodged a written complaint, dated

29-01-2007, before the 1st respondent stating that the petitioner is illegally pressurizing him to give the entire property, standing in the name of the mother of the petitioner, i.e., wife of the 2nd respondent, and also trying to kill him. However, in fact, the petitioner was called to the police station before making the said complaint to the 1st

respondent, and was advised to settle the dispute before the elders or in the Court of law, and not to indulge in any criminal activities.

5. Having regard to the facts and circumstances of the case,

I am of the opinion that if the 2nd respondent feels that there was commission of any cognizable offence by the petitioner and if the police have not taken appropriate action against the petitioner it is open for him to file a private complaint or approach the higher officers for appropriate action. However, in view of the categorical deny that the police have not at all interfered with the civil rights of the petitioner no order requires to be passed in this Writ Petition.

6. Accordingly, the Writ Petition is dismissed. No order as to costs.

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V.ESWARAIAH,J

23rd February, 2007.
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